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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,315	09/22/2003	Joseph G. Supina	81044241/201-1453	2314
28395	7590	10/07/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			AVERY, BRIDGET D	
1000 TOWN CENTER			ART UNIT	
22ND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			3618	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

**Office Action Summary**

Application No.

10/605,315

Applicant(s)

SUPINA ET AL.

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/25/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/03 &amp; 2/18/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Information Disclosure Statement filed by applicant on February 18, 2005 and September 22, 2005 are acknowledged and have been considered.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: on line 23, "60" should be deleted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tabata et al. (US Patent 5,887,670).

Tabata et al. teaches a hybrid electric wheeled vehicle powertrain similar to applicant's including:

- An internal combustion engine
- An electric motor/generator
- A battery

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- A geared transmission including a carrier, a ring gear coupled to the engine and a sun gear coupled to a rotor shaft
- A first reaction brake () anchoring the ring gear as the engine drives the electric generator during operation of the powertrain in a forward driving power delivery mode
- A clutch between the ring gear and a torque output element (26)
- The motor, with the clutch disengaged, is isolated from the ring gear during reverse drive and the engine drives the generator to charge the battery through a torque flow path that is isolated by the clutch from a reverse drive torque flow path
- A second reaction brake anchoring the ring gear as the engine drives the torque output element (26) with the clutch engaged during a split delivery mode in a forward driving direction
- The second reaction brake acting on the sun gear to effect engine starting torque delivery from the generator to the engine as the generator functions as an engine starter torque source
- A second clutch connecting two gear elements

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yang shows a distributed differential mixing combined power system.

Tabata et al. shows a vehicle control system.

Tabata et al. shows a hybrid vehicle drive system including controllable device between engine and electric motor and vehicle drive wheels.

Tabata et al. shows a vehicle hybrid drive system control apparatus adapted to reduce transmission input torque upon transmission shifting, by using engine and/or motor/generator

Tabata et al. shows a hybrid drive system adapted to produce substantially constant vehicle drive force under the same vehicle running condition, even in different modes of operation.

Kurita shows a control system for vehicular drive unit.

Taniguchi et al. shows a vehicular drive unit.

Mikami et al. shows an apparatus for controlling electric generator of hybrid drive vehicle to control regenerative braking depending upon selected degree of drive source brake application.

5. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery

September 29, 2005



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600